

Remarks

In the Office Action mailed July 7, 2003 (the Examiner's first Office Action), the Examiner rejected 1-10, 12-24, 26-28, and 32-53; allowed Claims 54-57; and indicated that Claims 11, 25, and 29-31 would be allowable if rewritten in independent form. To put this case in condition for allowance in accordance with the Examiner's Office Action, Applicants cancelled the claims rejected by the Examiner and amended Claims 11, 25, and 29-31 to rewrite them in independent form.

Applicants have not cancelled or amended any claims to overcome the Examiner's prior art rejections. Applicants' amendments were made to expedite issuance of the allowed claims while reserving Applicants' rights to pursue the rejected claims in continuation applications.

In the Office Action mailed April 2, 2004 (the Examiner's second Office Action), the Examiner reversed himself and rejected Claims 11, 25, 29-31, and 54-57. Because Applicants' prior amendments were made to expedite issuance of the allowed claims and the Examiner has now rejected those same claims (which he previously indicated would be allowed), Applicants repeal their prior amendments by reviving all claims as originally filed. Accordingly, Applicants have canceled pending Claims 11, 25, 29-31, and 54-57 and added new Claims 58-114, which are identical to Claims 1-57 as originally filed. Applicants respectfully request allowance of pending Claims 58-114.

Claim Rejections

In the Office Action mailed July 7, 2003 (the Examiner's first Office Action), the Examiner rejected Claims 1-8, 10, 15-22, 24, 32-38, and 42-49 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,610,910 ("*Focsaneanu*") further in view of U.S. Patent No. 5,050,164 ("*Chao*"). The Examiner also rejected Claims 9, 12-13, 23, 26-27, 39-40 and 50-53 under 35 U.S.C. § 103(a) as being unpatentable over *Focsaneanu* in view of *Chao*, further in view of U.S. Patent No. 6,560,222 ("*Pounds*"). Finally, the Examiner rejected Claims 14, 28, 41 and 52 under 35 U.S.C. § 103(a) as being unpatentable over *Focsaneanu* in view of *Chao*, further in view of U.S. Patent No. 5,563,829 ("*Lyles*"). The Examiner allowed Claims 54-57 and indicated that Claims 11, 25, 29-31 would be allowable if rewritten in independent form.

In the Office Action mailed April 2, 2004 (the Examiner's second Office Action), the Examiner reversed himself and rejected Claims 11, 25, 29-31, and 54-57. The Examiner

rejected Claims 11, 25, 29, and 54-55 under 35 U.S.C. § 103(a) as being unpatentable over *Focsaneanu* in view of *Chao*, further in view of U.S. Patent No. 6,201,562 (“*Lor*”). The Examiner rejected Claims 30-31, 56 and 57 under 35 U.S.C. § 103(a) as being unpatentable over *Focsaneanu* in view of *Chao* and *Lor*, further in view of U.S. Patent No. 6,678,253 (“*Health*”).

Response

Applicants disagree with the Examiner’s rejections and respectfully request allowance of all pending Claims 58-114.

Independent Claim 58 and Dependent Claims 59-71

Independent Claim 58 recites:

A gateway for communicating telecommunication information, comprising:

a telecommunication interface module operable to receive first telecommunication information for a first subscriber and second telecommunication information for a second subscriber from a telecommunication network; and

one or more packetization modules operable to generate first data packets for communicating the first telecommunication information according to a first data communication protocol associated with the first subscriber and to generate second data packets for communicating the second telecommunication information according to a second data communication protocol associated with the second subscriber.

The Examiner rejected original Claim 1 (now Claim 58) under 35 U.S.C. § 103(a) as being unpatentable over *Focsaneanu* further in view of *Chao*. However, the Examiner’s cited references do not disclose, teach, or suggest “one or more packetization modules operable to generate first data packets for communicating the first telecommunication information according to a first data communication protocol associated with the first subscriber and to generate second data packets for communicating the second telecommunication information according to a second data communication protocol associated with the second subscriber,” as recited in Claim 58. The Examiner incorrectly relies on *Focsaneanu* to show this limitation.

First, *Focsaneanu* does not describe any packetization modules that generate data packets for communicating telecommunication information from a telecommunication network. *Focsaneanu* describes packetizing voice for communication from the customer

premises to a data network—not for communication from the PSTN to the customer premises. (Col. 11, ll. 12-15.)

In addition, *Focsaneanu* does not disclose the use of two different data communication protocols to generate data packet for communicating telecommunication information from the PSTN. In fact, *Focsaneanu* teaches away from the present invention by describing the use of a single, identical protocol between the CPE connector and the access module:

This is accomplished by the use of a common protocol for encapsulating the data and signaling information between the CPE connector and the access module (this protocol is identical for all access media) and a transmission protocol appropriate for each access medium (e.g. 2B1Q for copper pairs).

(Col. 6, ll. 60-65.)

For at least these reasons, the Examiner's cited references do not disclose the gateway of Claim 58. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claims 58, as well as dependent Claims 59-71 which dependent from Claim 58.

Independent Claim 72 and Dependent Claims 73-88

Independent Claim 72 recites:

A method for communicating telecommunication information, comprising:

receiving first telecommunication information for a first subscriber from a telecommunication network;

generating first data packets for communicating the first telecommunication information according to a first data communication protocol associated with the first subscriber;

receiving second telecommunication information for a second subscriber from the telecommunication network; and

generating second data packets for communicating the second telecommunication information according to a second data communication protocol associated with the second subscriber.

The Examiner rejected original Claim 15 (now Claim 72) under 35 U.S.C. § 103(a) as being unpatentable over *Focsaneanu* further in view of *Chao*. However, the Examiner's cited references do not disclose, teach, or suggest “generating first data packets for communicating the first telecommunication information according to a first data communication protocol associated with the first subscriber” and “generating second data packets for communicating the second telecommunication information according to a second

data communication protocol associated with the second subscriber,” as recited in Claim 72. The Examiner again incorrectly relies on *Focsaneanu* to show this limitation. As described above with reference to Claim 58, *Focsaneanu* does not describe generating data packets for communicating telecommunication information received from the PSTN, and more particularly, *Focsaneanu* does not disclose the use of two different data communication protocols to generate data packets for communicating telecommunication information from the PSTN.

For at least these reasons, the Examiner’s cited references do not disclose the method of Claim 72. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claims 72, as well as dependent Claims 73-88 which dependent from Claim 72.

Independent Claim 89 and Dependent Claims 90-99

Independent Claim 89 recites:

A system for communicating telecommunication information, comprising:

a memory operable to store subscriber profiles associating each of a plurality of subscribers with a data communication protocol;

a telecommunication interface module operable to receive telecommunication information for a subscriber from a telecommunication network; and

a packetization module operable to generate data packets communicating the telecommunication information according to a data communication protocol associated with the subscriber.

The Examiner rejected original Claim 32 (now Claim 89) under 35 U.S.C. § 103(a) as being unpatentable over *Focsaneanu* further in view of *Chao*. However, the Examiner’s cited references do not disclose, teach, or suggest “a packetization module operable to generate data packets communicating the telecommunication information according to a data communication protocol associated with the subscriber,” as recited in Claim 89. The Examiner again incorrectly relies on *Focsaneanu* to show this limitation. As described above with reference to Claim 58, *Focsaneanu* does not describe a packetization module that generates data packets for communicating telecommunication information received from the PSTN to a subscriber, and more particularly, *Focsaneanu* does not disclose a packetization module that uses a data communication protocols associated with the subscriber to generate data packets for communicating telecommunication information from the PSTN.

For at least these reasons, the Examiner's cited references do not disclose the system of Claim 89. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claims 89, as well as dependent Claims 90-99 which dependent from Claim 89.

Independent Claim 100 and Dependent Claims 101-110

Independent Claim 100 recites:

A method for communicating telecommunication information, comprising:

associating each of a plurality of subscribers with a data communication protocol;

receiving telecommunication information for a subscriber from a telecommunication network; and

generating data packets communicating the telecommunication information according to a data communication protocol associated with the subscriber.

The Examiner rejected original Claim 43 (now Claim 100) under 35 U.S.C. § 103(a) as being unpatentable over *Focsaneanu* further in view of *Chao*. However, the Examiner's cited references do not disclose, teach, or suggest "generating data packets communicating the telecommunication information according to a data communication protocol associated with the subscriber," as recited in Claim 100. The Examiner again incorrectly relies on *Focsaneanu* to show this limitation. As described above with reference to Claim 58, *Focsaneanu* does not describe generating data packets for communicating telecommunication information received from the PSTN to a subscriber, and more particularly, *Focsaneanu* does not disclose the use of a data communication protocols associated with the subscriber to generate data packets for communicating telecommunication information from the PSTN.

For at least these reasons, the Examiner's cited references do not disclose the method of Claim 100. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claims 100, as well as dependent Claims 101-110 which dependent from Claim 100.

Independent Claim 111 and Dependent Claims 112-114

Independent Claim 111 recites:

A system for communicating telecommunication information, comprising:

a gateway operable to associate each of a plurality of subscribers with a data communication protocol, to receive telecommunication information for subscribers from a

telecommunication network, and to generate data packets for communicating each subscriber's telecommunication information according to the data communication protocol associated with each subscriber;

a digital subscriber line access multiplexer (DSLAM) operable to communicate at least some of the data packets generated by the gateway to an integrated access device (IAD) using a digital subscriber line; and

a cable modem termination system (CMTS) operable to communicate at least some of the data packets generated by the gateway to a media terminal adapter (MTA) using a cable link.

The Examiner initially allowed original Claim 54 (now Claim 111), but most recently, the Examiner reject that claim under 35 U.S.C. § 103(a) as being unpatentable over *Focsaneanu* further in view of *Chao*, further in view of *Lor*. However, the Examiner's cited references do not disclose, teach, or suggest "a gateway operable to associate each of a plurality of subscribers with a data communication protocol, to receive telecommunication information for subscribers from a telecommunication network, and to generate data packets for communicating each subscriber's telecommunication information according to the data communication protocol associated with each subscriber," as recited in Claim 111. The Examiner again incorrectly relies on *Focsaneanu* to show this limitation. As described above with reference to Claim 58, *Focsaneanu* does not describe a gateway that generates data packets for communicating telecommunication information received from the PSTN to a subscriber, and more particularly, *Focsaneanu* does not disclose a gateway that uses a data communication protocols associated with the subscriber to generate the data packets for communicating the telecommunication information from the PSTN.

For at least these reasons, the Examiner's cited references do not disclose the system of Claim 111. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claims 111, as well as dependent Claims 112-114 which dependent from Claim 111.

Conclusion

Applicants have made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Jeffery D. Baxter, Attorney for Applicants, at the Examiner's convenience at (214) 953-6791.

Applicants believe that no other fees are due, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Jeffery D. Baxter
Reg. No. 45,560

Date: July 2, 2004

CORRESPONDENCE ADDRESS:

2001 Ross Avenue, Suite 600
Dallas, TX 75201-2980
Tel. (214) 953-6791
Fax. (214) 661-4791

Customer Number

05073